



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Kermicle et al.

Serial No.: 09/821,879

Filed: March 30, 2001

Title: Cross-Incompatibility Traits from  
Teosinte and Their Use in Corn

Group Art Unit 1638

Examiner: David T. Fox

Commissioner for Patents  
Washington, D.C., 20231

Sir:

**AMENDMENT**

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This Amendment is being submitted in connection with the Office Action mailed on  
October 22, 2002.

**IN THE CLAIMS:**

Please amend claims 1, 2, 9, 12, 13, 14, 15, 21, 25, 27, 28, 32, 39, 40, 41, 44, 47,  
48, 49, 59, 64 and 67-68 as follows:

1. (Amended). A cross-incompatible maize plant that exhibits a Teosinte  
Crossing Barrier (TCB) trait, wherein said cross-incompatible plant comprises a TCB gene  
cluster that encodes for the TCB trait and further wherein said plant is derived by breeding  
with a maize plant that contains a TCB gene cluster and is grown from seed of W22-TCB  
deposited as ATCC No. PTA-1601.

2. (Amended). The cross-incompatible plant of claim 1 wherein said plant fails to  
set seed when pollinated by plants lacking the TCB gene cluster but sets seed when  
pollinated by plants carrying the TCB gene cluster.

9. (Amended). A cross-incompatible maize plant that exhibits a Teosinte  
Crossing Barrier (TCB) trait, wherein said cross-incompatible plant comprises in its genome  
a TCB gene cluster, wherein the TCB gene cluster is located on the short arm of